

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED

JAN 20 2012


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CLINT AMIOTTE,

*

Civ. 09-3027

Plaintiff,

*

v.

*

**ORDER SETTING ASIDE
DEFAULT JUDGMENT,
AND**

PTE HCA KA, INC.,
TIMOTHY J. MCGREEVY, and
MCGREEVY'S MIDWEST MEAT CO., INC.,

*

**JUDGMENT OF DISMISSAL
OF ALL CLAIMS BETWEEN
PLAINTIFF AND DEFENDANT
PTE HCA KA, INC.**

*

Defendants.

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Plaintiff and Defendant Pte Hca Ka, Inc. have filed a Joint Motion and Stipulation to Set Aside Default Judgment and for Judgment of Dismissal (Doc. 102). Pursuant thereto and good cause appearing, it is hereby

ORDERED as follows:

1. The Judgment of Default against Defendant Pte Hca Ka, Inc. entered August 19, 2010 (Doc. 59) (the "Judgment") is hereby set aside, effective upon entry of this Order, as to the Judgment, interest and costs remaining after applying all previous payments, credits, and garnishment proceeds;

2. Plaintiff shall retain all payments, credits, and garnishment proceeds previously received and applied toward partial satisfaction of the Judgment; and nothing in this Order shall affect the validity of any prior of orders of the Court or any actions previously taken by or on behalf of Plaintiff, his attorneys, the United States Marshals Service, or any garnishees in reliance upon the Judgment or in furtherance of enforcement and collection of the Judgment;

3. Plaintiff shall relinquish any and all claims against Defendant Pte Hca Ka, Inc., and any of its directors, officers, employees, agents, assigns, or former directors, officers, employees, agents or assigns from the beginning of time to the present;

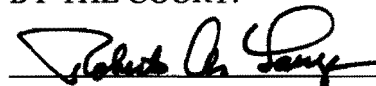
4. Defendant Pte Hca Ka, Inc. shall relinquish any and all claims against Plaintiff Clint Amiotte and any of his attorneys or present or former agents from the beginning of time to the present;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Complaint and all claims asserted in this action as against Defendant Pte Hca Ka, Inc., together with all claims and counterclaims that could have been asserted between Plaintiff and Defendant Pte Hca Ka, Inc., are hereby finally dismissed with prejudice and without taxation of costs; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court expressly determines and certifies pursuant to Fed. R. Civ. P. 54(b) that there is no just reason for delay and therefore expressly directs that this Judgment be entered as a final judgment as to Defendant Pte Hca Ka, Inc. and as to all claims and counterclaims that could be asserted between Plaintiff and Pte Hca Ka, Inc., thereby terminating this action as to Defendant Pte Hca Ka, Inc. and as to all such claims and counterclaims between such parties.

DATED this 19th day of January, 2012

BY THE COURT:



ROBERTO A. LANGE
United States District Judge